

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
FAX 608-267-3579
TTY Access via relay - 711



4/24/2020

Mark Konrad, Plant Manager
N2915 County Rd AB
Luxemburg, WI 54217

Subject: Conditional approval of a multi-discharger phosphorus variance
Receiving Stream: Tributary of East Twin River in Kewaunee County
Permittee: Agropur Inc Luxemburg, WPDES WI-0050237

Dear Mr. Konrad:

In accordance with s. 283.16 of the Wisconsin Statutes, you have requested coverage under Wisconsin's multi-discharger phosphorus variance for the Agropur Luxemburg Plant in an application dated 3/25/2020. Wisconsin's multi-discharger phosphorus variance was approved by EPA on February 6, 2017. Coverage under the multi-discharger phosphorus variance may only be granted to an existing source that demonstrates a major facility upgrade is necessary to achieve phosphorus compliance and the upgrade will result in economic hardship as defined in the federally approved variance. The water quality criterion for which you are seeking a variance is contained in s. NR 102.06, Wis. Adm. Code.

After review of the application materials, the Department is tentatively approving coverage under the phosphorus multi discharger variance because the applicant has demonstrated that a major facility upgrade would be required to comply with the phosphorus water quality based effluent limitation, and the applicant meets the economic hardship eligibility criteria delineated in the federally approved variance. In addition, the permitted facility has agreed to comply with the interim limitations that will be included in the WPDES permit, and has agreed to reduce the amount of phosphorus entering surface waters by making payments to the counties pursuant to s. 283.16(6)(b)1., Wis. Stats.

Public comment on this decision will be solicited at the time of permit reissuance after which a final decision will be made. The Department appreciates your attention and interest in Wisconsin's multi-discharger phosphorus variance. Should you have further questions regarding this matter, please contact me at (608) 264-9244.

Sincerely,

Matt Claucherty, Phosphorus Implementation Coordinator
Bureau of Water Quality

DATED:

4/24/20

e-cc

Ted Winkelman, Agropur
Laura Gerold, WDNR
Sarah Donoughe, WDNR
David Pfeifer, EPA Region 5
George Azevedo, EPA Region 5
Micah Bennett, EPA Region 5